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In the High Court of Judicature at Madras

Dated:05.09.2006

Coram:

The Hon'ble Mr. Justice P. SATHASIVAM
and
The Hon'ble Mr. Justice S. MANIKUMAR

Habeas Corpus Petition No.89 OF 2006

C. Rajeswari .. Petitioner

vs.

1. The Inspector of Police
   R-1 Mambalam Police Station
   T.Nagar, Chennai 600 017.
2. Raj Krishnamurthy
3. Srinivasan
4. Ethiraj
5. Ravi
6. Maya @ Saraswathi
7. Nirmala
8. Banumathi
9. Bharath .. Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of writ of Habeas corpus as stated therein.

For petitioner : Mr. C.M. Gunaksearan
for Mr. V. Purushothaman & S.Ruben
For respondents : Mr. M. Babu Muthu Meeran
Addl. Public Prosecutor for R.1
Mr. N. Manokaran for R.3 to R.9

ORDER

(Order of the Court was made by P. SATHASIVAM,J.)

The petitioner by name C. Rajeswari, filed this petition seeking direction to the respondents to produce the body of her daughter Gajalakshmi and set her at liberty.

2. Pursuant to the direction of this Court, the first respondent, Inspector of Police, R.1 Mambalam Police Station, T.Nagar, Chennai 600 017, has filed a counter affidavit highlighting the steps taken by him. In addition to the information stated therein, learned Additional Public Prosecutor also filed E-mail correspondence between the Inspector of Police and one Shri Kim Paisal. The letter and the reply are as follows.

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"From:Paisol@post.tele.dk
To: Internet_zone@eth.nmet
Subject:Re:Mail from Inspector of Police, Chennai.
Date: Wednesday, August,30, 2006 2:30 pm
Dear Shri Inspector of Police,
Very sorry to hear that the matter concerning Tmt. Gajalakshmi is not yet cleared and solved to the satisfaction of all. And indeed sorry to hear about the worries of her mother. However it was our impression that all was well with her last and that she her self has decided her future with Shri Raj Krishnamoorthy? Just as explained in my letter when asked about the same last.
May we ask if there is any illegal acts involved in regards to Shri Raj Krishnamoorthy and Tmt. Gajalakshmi, and what may be charges please?
You are very welcome to write any time if we can be of help to settle the matter.
Thanking Yours truly,
With warm regard.
Shri Kim Paison

....Original Message....
From : <internet_zone@eth.net>
To:<paisol@post.tele.dk>
Sent:Wednesday, August 30, 2006 10.19 AM
Subject: Mail from Inspector of Police, Chennai.
Dear Shri Kim Paisal,
This is Inspector of Police from Chennai City, Tamil Nadu, India. Received with thanks for your letter. In this regard, we need some urgency help from your side, i.e. Shri Raj Krishnamoorthy has abscond along with one lady in the name of Tmt. Gajalakshmi who has got already married and her husband is abroad. In this connection her mother wants to know about her daughter, whether she is alive or not. Hence, please send me a details about Shri Raj Krishnamoorthy, i.e. Postal address, mobile number and email ID for help of our investigation.
Thanks & Regards,
Inspector of Police
R-1 Mamblam PS
Greater Chennai, India."

3. Apart from the above information i.e., E.mail address, the learned Additional Public Prosecutor has also placed some more details, viz., E.mail between the second respondent Raj Krishnamoorthy and Inspector of Police regarding the whereabouts of the detenue. The particulars mentioned above prima facie show that the detenue is with the second respondent in a foreign country and according to her she is happy and comfortable with the second respondent. Taking note of her assertion in the form of email letter and she being a major, i.e., 27 years as on date, we are of the view that no further adjudication is required in this petition. However, the first respondent is directed to pursue and take appropriate action against the second respondent in accordance with law.

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With the above observation, this petition is closed.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

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To

1. The Inspector of Police
   R-1 Mambalam Police Station
   T.Nagar, Chennai 600 017.

2. The Public Prosecutor,
   High Court, Madras.

H.C.P.No.89 of 2006

BV(CO)
RVL 14.09.2006

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